

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JONATHAN BRYANT DEAN,
Plaintiff,

vs.

TIME WARNER CABLE, *et al.*,
Defendants.

Case No. 1:14-cv-72

Dlott, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

Plaintiff brings this action against Time Warner Cable, Tina Andrews, Charles Johnson, and Carol Walker, alleging defendants discriminated against him on the basis of a disability in violation of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*

On March 14, 2014, the individual defendants Tina Andrews, Charles Johnson, and Carol Walker filed a motion to dismiss plaintiff's complaint for failure to state a claim. (Doc. 13). Plaintiff failed to respond to this motion in a timely manner. Accordingly, the Court ordered plaintiff to show cause why the motion should not be dismissed as unopposed and for the reasons stated therein. (Doc. 18). In response this Order, plaintiff states as follows:

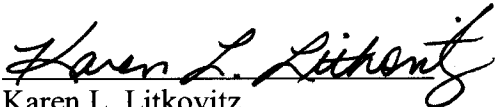
Plaintiff agrees that the motion accurately states the law regarding the lack of individual liability under the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* As a result, [p]laintiff does not oppose the motion to the extent it seeks dismissal of the individual [d]efendants from this action. Plaintiff's claim against [d]efendant Time Warner [Cable] remain.

(Doc. 21).

In consideration of plaintiff's representation that he does not oppose the motion to dismiss filed by the individual defendants, the undersigned hereby **RECOMMENDS** that the motion to dismiss (Doc. 13) be **GRANTED** and that plaintiff's claims against defendants Tina

Andrews, Charles Johnson, and Carol Walker be dismissed with prejudice.

Date: 8/26/14


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).